

Senate Bill No. 1473

CHAPTER 618

An act to add Section 79560.1 to the Water Code, relating to water.

[Approved by Governor September 16, 2002. Filed
with Secretary of State September 17, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, Machado. Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, if approved by the voters at the November 5, 2002, statewide general election (Proposition 50), would authorize, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill would require the Department of Water Resources to administer 50% of certain funds made available by the initiative measure for a regional water management program, and the State Water Resources Control Board to administer the remaining 50% of those funds.

The bill would require a state agency that makes a grant for a project financed by those funds that includes any modification of a river or stream channel, to determine, prior to awarding the grant, whether the environmental impacts resulting from that modification will be fully mitigated by considering all of the impacts of that modification and any mitigation, environmental enhancement, and environmental benefit resulting from the project, and, on balance, whether any environmental enhancement or benefit equals or exceeds any negative environmental impacts of the project. The bill would provide that the costs of mitigation or enhancement may be included in the project costs eligible for that described funding made available by the initiative measure.

The bill would declare the intent of the Legislature that up to \$150,000,000 of the total funds made available by the initiative measure be used for projects that facilitate the water transfers pursuant to the Quantification Settlement Agreement. The bill would additionally declare the intent of the Legislature that 40% of the funds made available by the initiative for integrated regional water management projects be made available for projects in northern California and 40% of the funds be made available for projects in southern California.

These provisions would only become operative if the initiative measure is approved by the voters at the November 5, 2002, statewide general election.

The people of the State of California do enact as follows:

SECTION 1. Section 79560.1 is added to the Water Code, to read:

79560.1. (a) The department shall administer 50 percent of the funds, and the board shall administer the remaining 50 percent of the funds, made available to the program described in Sections 79560 and 79561.

(b) For projects proposed to be funded pursuant to Section 79560 that include any modification of a river or stream channel, the state agency making the grant, prior to the award of the grant, shall determine whether the environmental impacts resulting from that modification will be fully mitigated by considering all of the impacts of that modification and any mitigation, environmental enhancement, and environmental benefit resulting from the project, and determining whether, on balance, any environmental enhancement or benefit equals or exceeds any negative environmental impacts of the project. The costs of mitigation or enhancement may be included in the project costs eligible for funding pursuant to Section 79560.

(c) This section shall become operative only if the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 is approved by the voters at the November 5, 2002, statewide general election.

SEC. 2. It is the intent of the Legislature that up to one hundred fifty million dollars (\$150,000,000) of the total funds provided by the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, if that measure is approved by the voters at the November 5, 2002, statewide general election, may be used for projects that facilitate water transfers pursuant to the Quantification Settlement Agreement (QSA) and that contribute to achieving the benchmarks of the Interim Surplus Guidelines, provided that the QSA is executed on or before December 31, 2002. It is further the intent of the Legislature that of the funds provided by Section 79560 of the Water Code, as added by that act, if enacted, not less than 40 percent be available for projects in northern California and not less than 40 percent be available for projects in southern California for the purpose of funding integrated regional water management projects.

